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NEW MEXICO ENVIRONMENT DEPARTMENT

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BUTCH TONGATE
Cabinet Secretary
J. C. BORREGO
Deputy Secretary

Certified Mail - Return Receipt Requested

October 27, 2017

Mr. Dennis Towne, President
Bradbury Stamm Construction
7110 2nd Street, Albuquerque, NM 87107

Re: **Bradbury Stamm / Morningstar of Santa Fe, Construction Stormwater; SIC 1522; NPDES Compliance Evaluation Inspection; NPDES #NMR1000QP; October 25, 2017**

Dear Mr. Towne:

Enclosed please find a copy of the report and check list for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the "NPDES Construction General Permit" section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
US Environmental Protection Agency, Suite 1200
Enforcement Branch (6EN-WS)
1445 Ross Avenue
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Sarah Holcomb at 505-827-2798 or at sarah.holcomb@state.nm.us.

Sincerely,

/s/ Sarah Holcomb

Sarah Holcomb

Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN-WS) by e-mail
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail
Nancy Williams, USEPA (6EN-WC) by e-mail
Robert Italiano, NMED District II by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3 N M R 1 0 0 0 Q P 11 12 1 7 1 0 2 5 17 18 }				19 S 20 2	
Remarks					
C O N S T R U C T I O N > 1 A C R E					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 3	71 N 72 N 73	74 75	80	

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 1314 hours / 10-25-2017	Permit Effective Date 2-16-2017
MORNINGSTAR OF SANTA FE 2041 S PACHECO, SANTA FE, NM 87505	Exit Time/Date 1520 hours / 10-25-2017	Permit Expiration Date 2-16-2022
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mr. Dustin Marion, Foreman (505) 258-6123	Other Facility Data	
Name, Address of Responsible Official/Title/Phone and Fax Number MR. DENNIS TOWNE, TITLE, BRADBURY STAMM 7110 2 ND STREET, ALBUQUERQUE, NM 87107 505-765-1200	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> * Contacted	SIC CODE: 1522: General Contractors-Residential Buildings, Other than Single Family

Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	N	Flow Measurement	S	Operations & Maintenance	N	CSO/SSO
M	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
M	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
S	Effluent/Receiving Waters	N	Laboratory	M	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- Inspector arrived on site on October 25, 2017 at 1314 hours and conducted entrance interview with Mr. Dustin Marion, Foreman where she made introductions, presented credentials and explained the purpose of the inspection.
- Exit interview was conducted at approximately 1500 hours on October 25, 2017 with Mr. Dustin Marion. Preliminary findings of the inspection as detailed in the attached report were discussed with the permittee representatives.

Name(s) and Signature(s) of Inspector(s) Sarah Holcomb, Program Manager /s/ Sarah Holcomb	Agency/Office/Telephone/Fax NMED/SWQB	Date 10-27-2017
Signature of Management QA Reviewer Jennifer Foote, Industrial and Stormwater Supervisor /s/ Jennifer Foote	Agency/Office/Phone and Fax Numbers NMED/SWQB	Date 10-27-2017

NPDES Construction General Permit Inspection Report – State of New Mexico

Inspection Date	10-25-2017	Entry Time Exit Time	Entry: 1314 hours Exit: 1520 hours
Inspector Name/ Telephone	Sarah Holcomb (505) 827-2798 Jennifer Foote		
Facility Name/ Physical Location	Morningstar of Santa Fe 2041 S. Pacheco St., Santa Fe, NM 87505		
Facility Type	<input type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Municipal <input type="checkbox"/> Industrial		
County Location	Santa Fe County		
Latitude/Longitude (Decimal Degrees)	35.6569° N, -105.9588°E		

Operator/Mailing Address	Date Company Operation Began	Authorized Official(s)	Phone	NPDES Tracking Number	NOI Cert Date	SWPPP Cert Date
Bradbury Stamm	1923	Mr. Dennis Towne, President	505-765-1200	NMR10 00QP	8-24-2017	
Confluent Development/CD-MS (Pacheco) LLC, A Colorado Limited Liability Company	2014	Mr. Matt Ferguson	303-573-6500	NMU00 1947	N/A	N/A

Was project covered under a previous permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, previous NPDES Tracking Numbers:	N/A
Actual Start Date	8-28-2017
Estimated End Date	10-29-2018
Disturbed Area	<input type="checkbox"/> >5 acre <input type="checkbox"/> 1>acre<5 <input type="checkbox"/> <1acre and part of larger common plan
Receiving Water, including information on segment number, impairments, tier	Santa Fe MS4 (unnamed arroyo thence to the Arroyo de los Chamisos) thence to Cienega Creek in 20.6.4.113 NMAC. Listed as "Fully Supporting" at this time – Tier 2 waterbody.

Permittee Representatives Present During Inspection:			
Name	Company/Organization	Title	Telephone
Mr. Dustin Marion	Bradbury Stamm Construction	Foreman	505-258-6123

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Section I – Introduction:

On October 25, 2017, a Compliance Evaluation Inspection (CEI) was conducted at the Morningstar of Santa Fe construction site, operated by Bradbury Stamm as the General Contractor under USEPA Construction General Permit (CGP) Notice of Intent (NOI) tracking number NMR1000QP by Sarah Holcomb and Jennifer Foote of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB).

The inspection was conducted by NMED for the US Environmental Protection Agency (USEPA), Region VI, under the NPDES permit program, in accordance with the federal Clean Water Act. These inspections are conducted on behalf of the USEPA and are used by EPA to evaluate compliance with the NPDES permit program. This inspection report is based on information supplied by the permittee representatives, observations made by the NMED inspector, and reports and records kept by the permittee and/or NMED.

The Morningstar of Santa Fe construction site is estimated to disturb approximately 4 acres in a project to build a long term care facility. Construction included the demolition of an existing building that was greater than 10,000 square feet and was built prior to January 1980. The discharge of stormwater from the construction site enters the Santa Fe small Municipal Separate Storm Sewer System (sMS4) in an unnamed arroyo thence to the Arroyo de los Chamisos, which then discharges to Cienega Creek in segment 20.6.4.113 NMAC. The Designated Uses for this segment of the river are: irrigation, livestock watering, wildlife habitat, primary contact and coolwater aquatic life. There are no impairments currently listed for Cienega Creek on NMED's 303(d)/305(b) Integrated Report, which makes this a Tier 2 waterbody for antidegradation purposes.

Section II – Observations Summary:

Permit:

There are two operators at this construction site that require permit coverage. CD-MS (Pacheco) LLC is the owner of the project that has control over plans and specifications for the site. At the time of the inspection, they did not have an effective Notice of Intent (NOI) in place, and are assigned NMU001947 for tracking purposes. Bradbury Stamm Construction is the operator who has control over day to day activities at the site and is assigned tracking number NMR1000QP.

Permit eligibility was certified as a Criterion A for ESA considerations, but there was not documentation present in the SWPPP to confirm this criterion. Additionally, there was no documentation present in the SWPPP to confirm that National Historic Preservation Act requirements were met. Appendix A includes an attachment to detail how to meet the NHPA requirements in New Mexico.

SWPPP:

Generally, the SWPPP documented specifics related to the site, but needed additional (ongoing and implementation) documentation as discussed below in the findings.

Recordkeeping & Inspections:

Generally, schedules and other documentation in the SWPPP for corrective action, training, dates of BMP installation, and construction phasing were not completed.

BMPs/Implementation:

BMPs implemented on site included mulch sock installation at the downstream perimeter of the site, which appeared properly installed (not staked in due to shallow utilities, but secured in place with sand bags). BMPs also included frequent application of effluent for dust control, availability of port-o-lets, centralized employee parking, and although concrete work was not occurring on the day of the inspection, proper BMPs for that impending activity were discussed with the permittee representative.

Section III – Inspection Findings:

Findings below are organized by permit section.

1. Part I: Permit Eligibility

Findings:

- CD MS (Pacheco) LLC is the owner of the construction site and has control over plans and specifications for the project, and did not have permit coverage on the day of the inspection. The inspector contacted Mr. Matt Ferguson to discuss permit coverage on October 27, 2017.
- The owner/operator both did not post the publicly accessible NOI information on the day of the inspection.
- Although the NOI documented eligibility for the permit under Criterion A for Endangered Species Act purposes, the only documentation present in the SWPPP was a general list of species present in Santa Fe County. No documentation was present to confirm that the owner or operator had used the process outlined in Appendix D of the permit (the ECOS process should result in a printable document).
- Additionally, no documentation was present in the SWPPP to indicate that the process in Appendix E had been followed for NHPA considerations.

2. Part 2: Design, Installation and Maintenance Requirements

Findings:

- A RUSLE evaluation was documented in the SWPPP, but was not specific enough to document actual BMPs chosen for the project based on soil type and rainfall frequency.
- At the time of the inspection, two construction entrances existed. One, with a stabilized apron, was considered the exit for trackout purposes, and the other was considered the entrance and was not stabilized. Construction personnel were using the entrance for an exit.
- A downstream storm drain inlet present on Pacheco Street was not protected with BMPs.
- Vehicle fueling is conducted on site, but permittee representative did not have a spill kit present in the event of a spill.
- On the day of the inspection, there was not a dumpster present to collect construction wastes, but the permittee representative indicated that there would be one as early as next week. Construction trash was piled on the ground, or in makeshift pallet containers.

3. Part 3: Water Quality Based Effluent Limitations

Findings:

- Discharge from this construction site discharges to an unnamed arroyo within the Santa Fe MS4 that thence discharges to the Arroyo de los Chamisos, considered a Tier 2 waterbody for

antidegradation purposes, and making it a “sensitive waterbody” under EPA’s definition in this permit. In this instance, there is no additional monitoring required, but weekly inspections are required.

4. Part 4: Site Inspection Requirements

Findings:

- Personnel conducting inspections of behalf of the owner/operator did not have credentials present in the SWPPP. For proof that a “Qualified Person” is making compliance determinations, training must be documented in the SWPPP.
- Inspection frequency was documented as occurring once every 14 days and within 24 hours of a 0.25” rain event. Because of the discharge to a Tier 2 waterbody, inspections must be occurring weekly.
- The construction project began disturbance on 8-28-17, but the first inspection occurred on 10-19-17. Rain events occurred in the meantime but no rain event inspections were conducted.
- Inspection report present at the time of the inspection was not signed by the owner or operator.

5. Part 5: Corrective Actions

Findings:

- From the inspection conducted on 10-19-17, corrective actions were identified but had not yet been documented as being completed (due the day after this inspection).

6. Part 7: Stormwater Pollution Prevention Plan (SWPPP)

Findings:

- SWPPP Responsibilities were identified in the SWPPP, but a stormwater team was not identified.
- No training had been documented for onsite personnel.
- Site map present in the SWPPP did not reflect the condition of the site on the day of the inspection.
- SWPPP was not signed/certified by the project owner, EC MS (Pacheco) LLC.

7. Permit Implementation (Site Review)

Findings:

- Mulch socks were installed around the downstream perimeter of the site, and were stabilized with sand bags. Stakes were not practical due to the presence of shallow utilities at 12-18”.
- Stockpiled rocks and sediment were present on site and were being included in the dust control/water application, but no additional BMPs around the dirt stockpile were being employed at the time of this inspection.
- Storm drain on Pacheco Street not protected.
- Fueling occurs on site and there is no spill kit available in the event of an accidental release.
- Port-o-lets present on site were not staked down/secure at the time of this inspection.
- Slight trackout from the site was observed on Pacheco Street.

Section IV - List of Appendices:

Appendix A: Application process for National Historic Preservation Act requirements for New Mexico.

Appendix B. NMED Inspection Photo Log.



Susana Martinez
Governor

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

REVIEW OF PROPOSED CONSTRUCTION PROJECTS
INFORMATION NEEDED FOR CONSULTATION

This document is intended to provide guidance to the general public, grantees, state agencies, local governments and permittees on the laws and regulations that apply for proposed projects that may affect historic buildings, structures, or archaeological sites when the project is funded by a state or federal agency or requires a license or permit.

Please submit the information discussed below in a cover letter along with any other information (maps, photographs, drawings, plans, etc.) that will be useful for our review. **PLEASE CALL US** at (505) 827-4064 if you have any questions while you are preparing your submittal. In addition, you can email questions and consultation documentation fewer than 10 pages in length to nm.shpo@state.nm.us.

- 1. Description of the proposed project.** Describe in detail the scope of work including related activities to be carried out in conjunction with the project (for example, staging areas, access roads, etc.). Please include preliminary drawings or plans of the project design. Any information on prior surface disturbance should also be included. For projects involving existing buildings, include approximate construction dates.
- 2. Location and Map.** Provide the location of the project and a Google Map (or similar aerial photo) with the project area clearly marked on it, or a legible photocopy of a U.S. Geological Survey 7.5 quadrangle map with the Township, Range, and Section area. If your project occurs within a municipality, provide a street address.
- 3. Funding source(s)/Licenses or Permits.** Identify the source of funding for the project. Are any state/federal funds being used? What federal/state permits or licenses are required?
- 4. Land ownership.** Identify the owner of the land and/or buildings that will be affected by the proposed project.
- 5. Archaeological site, historic buildings, or structures.** Discuss any known archaeological sites, historic buildings or structures in your cover letter and identify on the map.
- 6. Photographs.** Provide current photographs of project area showing existing building/structures and the nature of the current ground surface.
- 7. Consultation with Native Americans tribes** and efforts to identify other consulting parties. Consultation with Native American tribes is required under Section 106 and state law for executive agencies. Please provide a copy of a letter sent to the tribes and copies of any responses received. If you need



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assistance, visit our website at www.nmhistoricpreservation.org for a list of tribes by county and contact information.

AN OVERVIEW OF APPLICABLE LAWS AND REGULATIONS

The information provided below should in no way be construed as comprehensive. Instead, this overview of laws and regulations is provided to encourage early planning and coordination to avoid unnecessary delays.

- **Section 106 of the National Historic Preservation Act.** Public or private projects using federal funds or needing a federal permit or license must take into consideration the effects of projects on historic properties. Federal agencies or the delegated official must initiate consultation with the State Historic Preservation Officer and Native American Tribes as part of the Section 106 review process.
- **State Undertakings.** Under section 18-6-8.1 of the Cultural Properties Act, NMSA 1978, the head of any state agency or department having direct or indirect jurisdiction over any land or structure modification which may affect a registered cultural property shall afford the state historic preservation officer a reasonable and timely opportunity to participate in planning such undertaking as to preserve and protect and to avoid or minimize adverse effects on registered properties. State land means any property owned, controlled or operated by a department, agency, institution or political subdivision of the state. A registered cultural property is a cultural property that has been placed on the official register.
- **Professional Surveys.** Section 18-6A-5 of the Cultural Properties Protection Act, NMSA 1978 states, "The officer shall, in cooperation with the heads of state agencies, establish a system of professional surveys of cultural properties on state lands. State agencies shall cooperate with the officer and exercise due caution to ensure that cultural properties are not inadvertently damaged or destroyed. Archaeological surveys on state land must be performed by an individual or firm that has a current archaeological survey permit issued by the Cultural Properties Review Committee. A list of those firms is available on HPD's website: <http://www.nmhistoricpreservation.org>.
- **Preservation of significant prehistoric or historic sites.** Section 18-8-7 of the Prehistoric and Historic Sites Preservation Act, NMSA 1989 states that "No public funds of the state or any of its agencies or political subdivisions shall be spent on any program or project that requires the use of any portion of or any land from a significant prehistoric or historic site unless there is no feasible or prudent alternative to such use, and unless the program or project includes all possible planning to preserve and protect and to minimize harm to the significant prehistoric or historic site resulting from such use.". Significant prehistoric or historic sites are properties listed in the state register of cultural properties or national register of historic places.

NMED/SWQB

Official Photograph Log

Photo # 1

Photographer: J. Foote	Date: 10-25-17	Time: 1451 hours
City/County: Santa Fe, Santa Fe County		
Location: Morningstar of Santa Fe, 2041 S. Pacheco St.		
Subject: Piled trash on ground at the site. Permittee representative indicated that it would be removed by the next day.		



NMED/SWQB

Official Photograph Log

Photo # 2

Photographer: J. Foote	Date: 10-25-17	Time: 1451 hours
City/County: Santa Fe, Santa Fe County		
Location: Morningstar of Santa Fe, 2041 S. Pacheco St.		
Subject: Slight trackout observed from the designated entrance to the construction site.		



NMED/SWQB

Official Photograph Log

Photo # 3

Photographer: J. Foote	Date: 10-25-17	Time: 1501 hours
City/County: Santa Fe, Santa Fe County		
Location: Morningstar of Santa Fe, 2041 S. Pacheco St.		
Subject: Signage available to the public on the day of the inspection.		

